

DETERMINATION

Case reference: VAR/000570

Admission Authority: London Borough of Sutton

Date of decision: 14 February 2012

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the requested variation to the admission arrangements of Cheam Common Infant School in the London Borough of Sutton. I determine that for admissions in September 2012 the published admission number for the school shall be 120.

The referral

1. The London Borough of Sutton Council (the Council) referred, on 18 January 2012, a request to the Adjudicator for variation of the admission arrangements of Cheam Common Infant School (the School), a community school. This request is a result of the need to expand provision within the area to meet an increasing demand for places in schools across the Borough. The requested variation is that the published admission number (PAN) for the School for September 2012 be increased from 90 to 120.

Jurisdiction

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:
“where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority’s proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations”.
3. I am satisfied that the proposed variation is within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code (the Code). The documents I have considered in reaching my decision include:
 - the Council’s letter of referral of 18 January 2012 and supporting documents;
 - the determined arrangements for 2012/2013 and the proposed variation to those arrangements;

- a copy of the Council's booklet for parents seeking admission to schools in the area in September 2012;
- a copy of the minutes of a meeting held at the school on 24 May 2011 to hear about and comment upon the proposed expansion;
- copies of the minutes of the governing body of the school;
- copies of the Council's committee papers discussing and approving the statutory proposal for change;
- a copy of the public notice to enlarge the school;
- a copy of the petition received by the Council on 29 June 2011 raising some concerns about the proposal;
- a copy of the Council's responses to the concerns raised in the petition; and
- a map showing the location of the school.

Background

5. In common with some other London Boroughs, the demand for school places in Sutton is increasing. Meeting the demand for new places can be achieved by opening new schools or expanding existing ones. In the autumn of 2010, the Council consulted with schools where expansion was considered to be feasible. Following this preliminary consultation, it held a further consultation in May 2011 about the proposal to expand the School. A petition was sent to the Council on 29 June 2011 raising some concerns about the ability of the School site to accommodate the additional numbers; the possible loss of the feeling of nurture and family in the school; the current absence of a permanent headteacher and car parking issues. The Council took some time to address the concerns raised and to consider other possible options. Having reviewed the options it made a decision and published a formal statutory proposal in November 2011 to build new classrooms at the School. In the period between 17 November and 15 December 2011 no representations were received concerning the School and in consequence, on 12 January 2012 the Council conditionally approved the proposal for the School subject to the conditions that:
 - (i) planning permission for the building work was approved by 29 February 2012
 - (ii) the PAN for the School for September 2012 was increased through a variation which had the approval of the Schools Adjudicator.
6. The Council, as required, determined by 15 April 2011 the arrangements for admissions to the School in September 2012. It now wishes to increase the PAN for September 2012 and this requires a variation to be approved by the Schools Adjudicator. The decision to expand the school and the consequential alterations to its premises was included in the Council's consultation and determination of the statutory proposal.
7. The Council has taken the decision to expand the School to meet growing demand. The need to expand the School within the year constitutes a "major change in circumstances" in the Council's view and justifies the requested variation to increase the PAN to allow the School to admit pupils up to its new

intended capacity.

8. The Council notified the community associated with the School about the proposed increase in the PAN as part of the statutory consultation on the enlargements of the School.

Consideration of Factors

9. The case for the expansion of the School's premises to facilitate an increase in PAN, background information and comments received in the consultations were forwarded to me as part of my consideration of the requested variation. The proposal for expanding the School has been determined by the Council and I have no reason to review this decision. I do, however, have to decide whether the requested variation to the admission arrangements for the School should be approved. In doing this I have to be satisfied that the change is necessary in the light of demand for school places and that the School will be in a position to accommodate the additional pupils.
10. I can see from the data provided that additional places are needed in the area. The data shows that the Council needs more places and I am satisfied I should approve the increase in the School's PAN to provide some of the places that are required in the area.
11. I note that the decision to expand the school was made conditional on both my decision to alter the admission number and planning permission being secured. The imposition of the planning condition does raise a potential problem. If planning permission is not granted but I have agreed the variation requested for September 2012 there is a risk that the admission number will have been changed and the necessary building work has not been carried out with the outcome that there would be insufficient accommodation available for the pupils. The Council has reassured me on this point and states that it has every confidence that as a result of careful discussion and consultation with the planning department through the design process they feel that potential issues have been addressed and they are optimistic about the outcome of the planning process. As part of the risk management process the Council has also made contingency plans for the possibility that planning permission is not granted in the necessary time frame so that the School would still be in the position to take the increased numbers of pupils in 2012 and subsequent years. As a result it does not seem necessary to postpone making a determination until the point that planning permission has been obtained as this would leave schools and parents who are seeking places with uncertainty about the arrangements for longer than is necessary.

Conclusion

12. The decision to increase the capacity of the School has already been taken by the Council. All matters relevant to this expansion were fully explored through the consideration of the statutory proposal. I have identified no factors that would lead me to do anything other than approve the consequential request to increase the PAN.

Determination

13. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the requested variation to the admission arrangements of Cheam Common Infant School in the London Borough of Sutton. I determine that for admissions in September 2012 the published admission number for the school shall be 120.

Dated: 14 February 2012

Signed:

Schools Adjudicator: David Lennard Jones